

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

THOMAS BUFFONGE,
Plaintiff

v.

THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA

And

GETRONICS WANG CO, LLC,
Defendants

Civil Action No.: 03-12355-NMG

DEFENDANTS', THE PRUDENTIAL INSURANCE COMPANY OF AMERICA AND
GETRONICSWANG CO, LLC,
MOTION FOR SUMMARY JUDGMENT ON THE RECORD

Now come the defendants, The Prudential Insurance Company of America and Getronicswang Co., LLC, ("hereinafter referred to collectively as Defendants or Prudential") pursuant to Rule 56(c) of the Federal Rules of Civil Procedure, Local Rule 7.1 and this Court's Order of June 2, 2004 and hereby move this Honorable Court for an Order granting it summary judgment on all claims asserted by the Plaintiff in this action to recover disability benefits under the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. §§ 100-1461.

In support of this Motion for Summary Judgment, and as more fully set forth in its memorandum of law filed herewith, Prudential states that no genuine issue of material fact exists, and that based on the undisputed material facts of the record, Prudential is entitled to judgment and a matter of law.

WHEREFORE, the Prudential Insurance Company of America and Getronics Wang Co.,

LLC request that this Court grant summary judgment in its favor on all counts of the Plaintiff's Complaint.

Respectfully Submitted,

THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA,
and GETRONICS WANG CO., LLC,
By Its Attorneys,

/s/ Carey Bertrand
William T. Bogaert, BBO#546321
Carey L. Bertrand, BBO#650496
WILSON, ELSE, MOSKOWITZ,
EDELMAN & DICKER, LLP
155 Federal Street
Boston, MA 02110
(617) 422-5300

Dated: October 20, 2004

CERTIFICATE OF SERVICE

I certify that I have served the foregoing document upon all other counsel of record, as set forth below, by first-class mail, postage prepaid, on October 20, 2004.

Mitchell Jay Notis Esq.
370 Washington Street
Brookline, MA 02446

/s/ Carey Bertrand
Carey L. Bertrand